

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

KENNETH W. ANDREWS,

ERIKA D. ANDREWS,

Plaintiffs,

v.

RICHARD THOMAS NEWMAN,

CLI TRANSPORT, LP,

SHEETZ, INC.,

Defendants.

CORA CHLEBNIKOW,

Plaintiff,

v.

RICHARD THOMAS NEWMAN,

CLI TRANSPORT, LP,

SHEETZ, INC.,

Defendants.

HERMAN E. KIRBY,

NANCY H. KIRBY,

Plaintiffs,

v.

RICHARD THOMAS NEWMAN,

CLI TRANSPORT, LP,

SHEETZ, INC.,

Defendants.

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

MAY 20 2008

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

CIVIL NOS. 3:07cv00060
3:07cv00050
3:07cv00049

ORDER

JUDGE NORMAN K. MOON

Because the above-numbered and entitled actions involve common questions of law and fact, they are hereby CONSOLIDATED for trial pursuant to Federal Rule of Civil Procedure 42(a).¹ Accordingly, it is hereby ORDERED that:

1) the orders and proceedings previously had in such actions be and are made orders and proceedings in this action;

2) *Andrews, et al. v. Newman, et al.*, Civil No. 3:07cv00060, shall be designated the “lead case” in this consolidated action for purposes of docketing and filing; and

3) *Chlebnikow v. Newman, et al.*, Civil No. 3:07cv00050, and *Kirby, et al. v. Newman, et al.*, Civil No. 3:07cv00049, shall be designated “member cases.”

Discovery shall proceed in each case as scheduled. The parties are hereby directed to contact Deputy Clerk Heidi Wheeler at (434) 296-9284 within 10 days of the date of this Order to schedule the consolidated trial.²

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

Entered this 20th day of May, 2008.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

¹ Rule 42(a) “approves consolidation of actions that involve a ‘common question of law or fact.’ These claims, brought against the same defendant[s], . . . alleging the same misconduct, and answered with the same defenses, clearly meet this standard.” *Harris v. L & L Wings, Inc.*, 132 F.3d 978, 982 n.2 (4th Cir. 1997).

² Trials had been set in these cases for August 7–8, August 14–15, and August 28–29. The parties are encouraged to schedule the consolidated trial for one of these existing trial dates, adding additional days as needed.